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SOME ASPECTS OF A JOINT CONGRESSIONAL COMMITTEE FOR INTELLIGENCE

Over the years there have been continuing efforts by a small group in the Congress to establish a joint committee for intelligence. This is sometimes referred to as a "Watch Dog Committee over CIA." However, it is important to recognize that in most cases the resolutions refer to a much broader concept namely a committee having jurisdiction over all intelligence matters. It is only logical that this would be so since the Central Intelligence Agency represents, in numbers of people and dollars, only a fraction of the entire resources devoted to intelligence work in the Executive Branch.

Generally about 20 such resolutions are introduced in each Congress. Only once has this matter come to a floor vote. This was in April 1956 when Senator Mansfield's resolution was voted on. His resolution had 34 co-sponsors. However, on the roll call vote he lost 10 of the sponsors on a vote of 59 to 27 against the resolution.

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Some proponents of a joint committee are motivated by their belief that CIA is not supervised adequately by the Congress and some take the view that CIA is not doing an adequate job. There are others who feel that the joint committee is essential because the operations of the Agency are freewheeling and are often contrary to the foreign policy of the United States. Still others feel that a joint committee could be a protection to the Agency and could respond appropriately to baseless accusations against the Agency. Another, possibly smaller, group sincerely believes that because the activities of the Agency and the intelligence produced affect the formulation of foreign policy that the Congress should have a greater responsibility and that the best mechanism is a joint committee.

Among the arguments against a joint committee there has been advanced the thought that additional members and staff people would have access to highly classified information and, consequently, there would be greater danger of serious leaks of security information. This argument has been countered by pointing to the Joint Committee on Atomic Energy from which there has been no known leak of information which some regard as just as highly classified as CIA information. It may also

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be added that there have been no leaks of security information from the existing Subcommittees for CIA. On balance it would seem that the security argument is a weak one.

It is not fully known to the American public or even to all members of Congress that there are four established Subcommittees concerned with CIA matters. These are Subcommittees of Appropriations and Armed Services in both houses. The House Armed Services Committee has a formally established Subcommittee for CIA and lists the membership in its publications. Other Subcommittees do not publish the membership. In each instance, however, the Chairman of the full Committee is the Chairman of the CIA Subcommittee. These Subcommittees do meet as often as practicable and the meetings are more than perfunctory ones. Members of these Subcommittees have stated publicly that the Agency reports in depth and answers questions forthrightly and candidly. It has been argued, however, that since the four parent committees have major responsibilities and since the Subcommittees are generally composed of the senior members of the full committees, inevitably the Subcommittees cannot devote sufficient time to examining the affairs and the budget of the Agency.

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It has been argued that the Joint Committee on Atomic Energy is an excellent precedent for a joint committee on intelligence in that it has been able to deal with highly classified subjects. On the other hand, it has been pointed out that one of the factors inherent in the Atomic Energy situation is that major legislation is required in almost every Congress which incidently has a profound effect on the domestic scene in terms of large industrial-type programs. On the contrary the Agency's legislative needs are small. Since the passage of the National Security Act of 1947 establishing the Agency and the subsequent enabling legislation in 1949, there was no major legislation until the 88th Congress when the Agency sought and received statutory approval of an early retirement program for a portion of its employees.

One of the key factors often overlooked is the question of committee jurisdiction in the Congress itself. If a joint committee is to have jurisdiction over intelligence activities of the Executive Branch this would encompass major activities in the Department of Defense which are now within the scope of the Armed Services Committees. Additionally, however, there are substantial intelligence activities in the Department of State, to some extent in the Atomic Energy Commission, and more indirectly within the Department of Justice within the FBI.

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The question can be asked would the Armed Services Committees, the House Foreign Affairs and Senate Foreign Relations Committees, the Judiciary Committee and the Joint Committee on Atomic Energy relinquish jurisdiction over those components which presumably would be assigned to the jurisdiction of the joint committee on intelligence. It is doubted that the Chairmen of these Committees would relinquish jurisdiction and if they did agree that the intelligence components could respond to a joint committee demands for information this would only superimpose on existing Committee arrangements a new and additional group to which such components would have to respond. Those who would push for a joint committee for intelligence must reckon with the probable stiff opposition from these very senior members of both houses. While the proponents of a joint committee do not all believe that congressional supervision has been inadequate, some have explicitly stated this to be the case. In any event, the Chairmen and members of the existing Subcommittees inevitably will construe a position for a joint committee as a charge that they have not adequately fulfilled their responsibilities which, needless to say, is a serious charge.

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Proponents must also take into account the general view, particularly on the House side and within the leadership, of opposition in principle to joint committees as being inconsistent with a bicameral legislature as provided by the Constitution. A practical basis for such opposition in the House reflects in part a jealousy between the House and the Senate in the sense that the Senate tends to regard itself as the senior body entitled to privileges in joint arrangements normally accorded a senior.

There are those who would fundamentally oppose a joint committee on intelligence on constitutional grounds. They would argue that the operations of intelligence activities are peculiarly the prerogative of the President under the Constitution. Any infringement by the legislature in this field would be strongly resisted by this group. It would appear highly likely also that the Administration would take a similar view. Therefore, the proponents of a joint committee for intelligence in all likelihood must reckon with a concerted and determined effort by the White House to avoid the establishment of such a joint committee.

Another reason advanced for a joint committee by some is that it not only could be the Agency's protector but could, in a positive fashion with adequate security safeguards, affirmatively establish a public image

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of the Agency which the Agency is unable to do on its own. Since the Agency has followed the policy of not responding to allegations and accusations (which probably is a wise policy) a joint committee would be in a position to do so not necessarily on specifics, because of security, but by reassuring the membership and the public that they have actively supervised and reviewed the activities of the Agency. On the other hand, one could point out that there are no restrictions on the existing Subcommittee members to prevent them from fulfilling the same tasks.

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